

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20629 of 2020

Arising Out of PS. Case No.-187 Year-2019 Thana- SHAMBHUGANJ District- Banka

1. Sushil Mandal @ Sunil Mandal Son of Baldeo Mandal Resident of Village-Shyampur Daka, P.S.-Shambhuganj, District-Banka.
2. Barun Mandal Son of Baldeo Mandal Resident of Village-Shyampur Daka, P.S.-Shambhuganj, District-Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Yadav

For the Opposite Party/s : Mr.Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-07-2020 The matter has been taken up through virtual

Court proceeding.

Since the physical court proceeding is non-functional due to the present pandemic COVID-19, the matter is listed with defects.

Learned counsel for the petitioners undertakes to remove the defects within three weeks of the resumption of the physical Court proceedings.

In case of non-removal of the defects, the office shall place the matter before the bench.

Heard learned counsel for the petitioners and



learned counsel for the State.

The petitioners are languishing in custody since 07.09.2019 and 08.08.2019 respectively in a case registered for the offence punishable under Sections 341, 342, 323, 120(B), 302, 34 of the Indian Penal Code.

The prosecution case as per the written report of Babu Lal Tanti, submitted to the S.H.O, Shambhuganj Police Station is to the effect that son of the informant Dharmendra Kumar was a Compounder. It is alleged that at 2:00 A.M. in the night one Meera Devi called the son of the informant for giving injection and when the son of the informant went there, eleven accused persons including the petitioners assaulted the son of the informant. Meera Devi somehow managed to escape from the place of occurrence and informed the other son of the informant about the occurrence. She also confessed that co-accused Tinku Pratap Chauhan, under a conspiracy, had called the victim and assaulted along



with other accused persons. The victim was thereafter taken to the PHC, Kurma, Gaya and from there, he was referred to PMCH, but on way, he succumbed to the injuries.

It is submitted by learned counsel for the petitioners that informant is not the eye witness to the occurrence and eleven persons including the petitioners have been named in the F.I.R. The investigation has already been concluded and the petitioners are having clean antecedent. A statement to that effect has been made in para 3 of the petition. Moreover co-accused Tinku Pratap Chauhan, against whom there is specific accusation of committing murder of the son of the informant has been granted bail whereas other co-accused Becho Mandal @ Bechan has been granted bail by a Co-ordinate bench of this Court vide Cr. Misc. No. 82513 of 2019.

Learned A.P.P. submits that petitioners have been named in the F.I.R and eleven persons killed the



son of the informant.

Considering the fact that investigation has already been concluded and other co-accused persons have been granted bail and the petitioners are having no criminal antecedent, let the petitioners, above named, be released on bail, for the present, provisionally for a period of three months on furnishing one surety to the satisfaction of learned P.O., F.T.C-I, Banka/successor Court in connection with Shambhuganj P.S. Case No. 187 of 2019 (Sessions Trial No. 460 of 2019).

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-Mode.

The provisional bail of the petitioners will be confirmed by the learned Court below within three



months on furnishing bail bond of Rs. 10,000/-(ten thousands) each with two sureties of the like amount each to the satisfaction of learned P.O., F.T.C-I, Banka/successor Court in connection with Shambhuganj P.S. Case No. 187 of 2019 (Sessions Trial No. 460 of 2019) including one surety given at the time of provisional bail.

The learned Court below will be at liberty to further extend the period of provisional bail if the Court proceeding in physical mode will not resume in next three months.

Accordingly, the present application stands disposed of.

(Dinesh Kumar Singh, J)

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